

REMARKS

Applicants gratefully acknowledge the Examiner's withdrawal of the 35 U.S.C. §§ 112 and 101 rejections of the previous Office Action.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of The Claims

Claims 26-30 are pending in the present application. Claims 26, 28, and 30 are currently being amended. Support for each amendment is believed obvious from the record. In particular, support for the recitation "wherein the isolated antibody is not C21.48" in amended claims 26 and 30 is found, for example, at page 14, lines 35-39 of the instant specification. Support for amended claim 28 is found throughout the specification. *See, e.g.*, page 11, lines 25-35 and examples 1, 3, and 6.

Rejection of Claim 28 under 35 U.S.C. § 112, first paragraph

Claim 28 remains rejected under 35 U.S.C. § 112, first paragraph as not enabled. Specifically, the Examiner asserts that claim 26 is not enabled for "a method of diagnosing a patient as having HIV by detecting the presence of a cryptic epitope" in urine. In its present form, amended claim 28 avoids this rejection. Accordingly, Applicants respectfully request withdrawal of this rejection.

Rejection of Claims 26-27 and 29-30 under 35 U.S.C. § 102

Claims 26-27 and 29-30 remain rejected under 35 U.S.C. § 102(b) as anticipated by Liabeuf in light of Harlow, and NCBI. Specifically, the Examiner asserts that the C21.48 antibody of Liabeuf meets the limitation of binding "to at least one isolated beta-2-

microglobulin cryptic epitope.” In their amended form, claims 26-27 and 29-30 avoid this rejection.

The amended form of the claim includes the proviso, “wherein the isolated antibody is not C21.48.” The proviso finds support at, for example, page 14, lines 36- 37. Accordingly, Applicants request withdrawal of this rejection.

Perfection of Claim of Priority to FR 95 07914

The instant application draws priority from French Patent Application No. 95 07914 (FR 95 07914), filed June 30, 1995. In order to perfect Applicants’ claim to foreign priority under 35 U.S.C. § 119, a certified translation of the priority document accompanies this response.

Applicants note that the filing date of FR 95 07914 is earlier than the publication date of Le Contel *et al.* (*Cell. Pharmacol.* 3:68-73), which was cited in the July 14, 2003, Office Action and discussed in Applicants’ personal interview with the Examiner. Applicants further note that FR 95 07914 teaches the antibodies B1G6 and B2G2.2 at, for example, page 4, line 6 and lines 20-26, and page 14, lines 35-39.

Summary

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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Enclosure: Certified Translation of French Patent Application No. 95 07914 filed June 30, 1995